

1 roof, can you not?

2 A The point that I've made in my previous testimony
3 was that that point on the roof is likely to be variable
4 because of the --

5 Q That is my point.

6 A -- variability of propagation.

7 Q That is right. But you can move around to find
8 the spot, can't you?

9 A So that at that moment, you would have a stronger
10 signal.

11 Q All right. But are you saying it is going to
12 change every minute? Or are you just staying over time it
13 would change?

14 A I wouldn't say every minute. But it can certainly
15 change within an hour.

16 Q Okay. It can change a lot or a little.

17 A It can change substantially, yes.

18 Q Okay. It is more likely to change a little than a
19 lot, though?

20 A Depends upon the length of time over which the
21 observation is made.

22 Q Yes. That is what I am saying. Over a short
23 period of time, it is more likely to change a little than a
24 lot?

25 A That's correct.

1 Q So, it is possible, actually, to develop some
2 experience here, and if you developed enough experience
3 would you still feel that you would need to impose that?

4 Suppose you actually had experience and spent some
5 time watching what happened there over a period of time.
6 You said that it would have to be an extensive measurement
7 program, but just plain observation could accomplish the
8 same thing, could it not?

9 A Yes.

10 Q Now, if you did those, and I am not saying that
11 you did, but if you did those over a period of time, then
12 you could take out your ten dB for your confidence level,
13 could you not, because you would know the answer?

14 A Well, you're really mixing up apples and oranges
15 here.

16 Q I understand.

17 A To make a statistical study based upon a
18 particular propagation model --

19 Q Right.

20 A -- is one thing. The other is well, I'm going to
21 sit and listen to this thing year in, year out, and that is
22 something else again.

23 JUDGE STEINBERG: At that point, it ceases to be a
24 model.

25 THE WITNESS: That's correct. It is experience,

1 whatever it is.

2 BY MR. A. NAFTALIN:

3 Q Okay. Are you saying that in your opinion it is
4 absolutely impossible that experience could show that there
5 was a sufficient signal?

6 A I have to say this. I cannot promise that the sun
7 will rise tomorrow. But on the basis of past experience,
8 it's highly probable it will. I have to put it in the basis
9 of probability.

10 Q I understand.

11 A And the probability of receiving a consistent
12 signal which is suitable for rebroadcast seemed very small
13 to me.

14 Q Okay. You understand that in this case it is not
15 only Mr. Turro who says that this signal was adequate.
16 There is also a set of measurements by your colleague, Mr.
17 LaFollette, which I think will show that at that time it was
18 adequate. Mr. Loginow several times looked at this, and, as
19 I understand it, he found that the thing was working
20 properly.

21 Now, if you keep doing that over and over again,
22 at some point let's say that it is not true 100 percent of
23 the time but it seems to be true a very high percentage of
24 the time. Are you saying that these people are all wrong in
25 what they say?

1 A No, I'm certainly not. No, sir, I'm not
2 challenging any of those people. I wouldn't do that. But
3 it seems that there are circumstances which we really don't
4 understand.

5 Q Or they may be imperfect. It may not work all the
6 time, correct?

7 A Correct.

8 Q Okay. Now, what do you mean by broadcast volume?

9 A I mean a signal which is essentially noise free
10 and --

11 Q Essentially noise free?

12 A Noise free.

13 Q I just did not hear the word.

14 A And also free of interference.

15 Q Okay. Now, are you aware that these signals were
16 subjected to processing as they came in to attempt to deal
17 with the noise problem?

18 A I have read that, yes.

19 Q Okay. Does that make any difference to your
20 opinion?

21 A Not a great deal because if the input signal is a
22 poor one, with poor signal to noise ratio, you cannot do a
23 lot in the way of processing and still preserve your
24 original material.

25 Q But you can do something?

1 A Something, yes.

2 Q Okay. Did you say acceptable?

3 A (No verbal response.)

4 Q What do you mean by acceptable? To whom?

5 A To the listener. I believe what I said, I defined
6 the acceptable signal as one that was noise free and
7 interference free.

8 Q I understand, but would you say that the
9 professional engineers tend to listen with more critical
10 ears than many average listeners?

11 A Objective studies that are made indicate to the
12 contrary. I think professional engineers don't necessarily
13 rate a signal as downgraded from what the average
14 listener --

15 Q Is that right?

16 A Well, I think principally in terms of television
17 experience --

18 Q Yes.

19 A -- because I've seen more studies along those
20 lines. I've never seen a specific study on pure aural
21 signal.

22 Q Is a Grade B quality television signal noise free
23 and interference free at the large end?

24 A At the larger, the Grade B, it is not noise free.

25 Q Okay. But it is considered acceptable for some

1 purposes?

2 A Yes.

3 Q Okay. What is the signal to noise ratio at that
4 point?

5 MR. ARONOWITZ: Objection, Your Honor. Is this
6 stemming from the co-channel eliminators?

7 JUDGE STEINBERG: You have to talk to me, not him.

8 MR. ARONOWITZ: I am not sure --

9 JUDGE STEINBERG: Make it a legal objection.

10 MR. ARONOWITZ: Excuse me. You are right, Your
11 Honor. My objection is that this is going beyond the scope
12 of the examination that we opened up with our examination in
13 this area. It seems that we are having testimony that is
14 just another opportunity at cross.

15 If this is related to the co-channel eliminators
16 and the materials that were brought up that is fine, but I
17 am not entirely sure where this is going and I think we have
18 already done this.

19 JUDGE STEINBERG: What is the response?

20 MR. A. NAFTALIN: Mr. Helmick was able to get at
21 least once, and I think several times, the opinion that this
22 could not work and he did not have an acceptable signal. I
23 am trying to establish what he means by acceptable.

24 JUDGE STEINBERG: The objection is overruled.

25 THE WITNESS: What we talk about at the Grade B

1 limit of service for a television station is the video
2 signal. The aural part of that is noise free. The video
3 signal does have noise in it, as evidenced by the sparkles
4 in the picture. But that is not the aural signal.

5 BY MR. A. NAFTALIN:

6 Q What is the signal to noise ratio at that point?

7 A Are we talking about the video signal to noise
8 ratio or the --

9 Q Yes.

10 A The video signal to noise ratio at the Grade B is
11 about 30 decibels, video.

12 Q Is what?

13 A I want to emphasize, this is video we're talking
14 about.

15 Q I understand.

16 A It's 30 decibels.

17 Q All right. What is the interference free signal
18 to noise ratio for AM radio?

19 A It's 20 dB. Signal to noise ratio -- it's so long
20 since I put a signal to noise ratio for AM in the context --

21 Q I suggest 26 dB.

22 A Twenty-six dB sounds right, yes.

23 Q What do you consider the signal to noise ratio for
24 interference-free for this FM?

25 A For FM, it's 20 dB.

1 Q I am talking about --

2 A Excuse me. I think I'm not responding correctly.
3 The 20 dB is the necessary ratio of desired to undesired
4 signal for co-channel FM operation. Insofar as the aural
5 signal to noise ratio, I think that's what you asked Mr.
6 Naftalin.

7 I should think that the aural signal to noise
8 ratio for a good quality reception ought to be in the order
9 of 40 dB.

10 Q All right. Now, but the 26 is all right if it is
11 AM?

12 A Twenty-six dB. Again, that is actually the
13 permissible ratio of undesired to desired signal. That's
14 not signal to noise.

15 Q But aren't those the same things in AM because AM
16 is linear?

17 A AM is what?

18 Q Linear.

19 A I'm not sure what you mean by AM being linear.

20 Q Isn't 26 dB an acceptable signal to noise ratio
21 for people listening to AM?

22 A Twenty-six dB is the ratio specified by the
23 Federal Communications Commission for a ten percent of the
24 time interfering signal to a 50 percent of the time desired
25 signal. I think we're mixing different engineering concepts

1 here.

2 Q When it is demodulated, what is the resulting
3 signal to noise ratio?

4 A This is a demodulated signal that the -- that to
5 the listener would appear to be noise-free.

6 MR. A. NAFTALIN: Can I take a minute, Your Honor?

7 JUDGE STEINBERG: Sure. We are off the record.

8 (Discussion held off the record.)

9 JUDGE STEINBERG: We will go back on.

10 MR. A. NAFTALIN: That completes it for me so far,
11 Your Honor.

12 JUDGE STEINBERG: Okay.

13 Mr. Riley?

14 MR. RILEY: Nothing, Your Honor.

15 MR. ARONOWITZ: Can we go off the record for just
16 a moment?

17 JUDGE STEINBERG: Well, you do not get
18 re-redirect.

19 MR. ARONOWITZ: Well, I think surrebuttal in terms
20 of --

21 JUDGE STEINBERG: That is not surrebuttal. It
22 is --

23 MR. ARONOWITZ: I do not know how many levels we
24 are at this point.

25 JUDGE STEINBERG: We are at the end of the second

1 level, and we do not go on forever. If it is a really good
2 question that we have to have the answer to, I may allow it
3 if it would only be --

4 MR. ARONOWITZ: One question. I just wanted to
5 find out --

6 JUDGE STEINBERG: Can you formulate it like in a
7 minute? What is your one question?

8 MR. ARONOWITZ: We are done.

9 JUDGE STEINBERG: Okay. I like that question.

10 Mr. Cohen, thank you very much for testifying. I
11 appreciate it.

12 THE WITNESS: Thank you, Your Honor.

13 (Witness excused.)

14 JUDGE STEINBERG: Now, who is the next witness?

15 MR. HELMICK: Wilson LaFollette, Your Honor.

16 JUDGE STEINBERG: Do we need a break?

17 MR. HELMICK: We need a break, yes.

18 JUDGE STEINBERG: Okay. Take ten minutes until
19 11:45 a.m.

20 (Whereupon, a short recess was taken.)

21 JUDGE STEINBERG: We will go on the record.
22 Your next witness, gentlemen?

23 MR. HELMICK: Your Honor, the next witness is
24 Wilson LaFollette.

25 One preliminary matter before Mr. LaFollette

1 appears for cross-examination. During the admission
2 session, Mr. Riley I believe raised certain questions about
3 Mr. LaFollette's expertise to make statements on whether
4 there were violations of the various FCC rules.

5 Mr. LaFollette has 29 years' experience with the
6 Commission, and his qualifications are a matter of record.
7 We would like to put his FCC responsibilities and duties in
8 his 29 years into the record to supplement his exhibit. We
9 have a three page statement which is a resume of his
10 responsibilities in his 29 years with the Commission.

11 JUDGE STEINBERG: Okay. Why do you not mark it?

12 MR. HELMICK: Shall we call this --

13 JUDGE STEINBERG: Do we want to call it 6-A?

14 MR. HELMICK: Exhibit 6 Supplement or --

15 JUDGE STEINBERG: Well, let's make it 6-A.

16 MR. HELMICK: Exhibit 6-A?

17 JUDGE STEINBERG: Yes. Well, actually, why do we
18 not just forget about the As and Bs. Everybody knows what
19 it is. Make it No. 37.

20 MR. HELMICK: Exhibit 37.

21 JUDGE STEINBERG: That way it is less confusing.
22 That is going to be marked for identification as Mass Media
23 Bureau Exhibit No. 37. There is a three page document
24 entitled, Cohen, Ditel and Everest, P.C., Resume for Wilson
25 A. LaFollette.

1 (The document referred to was
2 marked for identification as
3 Mass Media Bureau Exhibit No.
4 37.)

5 MR. A. NAFTALIN: I have one preliminary matter.
6 I am sorry. I would like to ask the location of Turro 31.
7 Does anybody have it? I am supposed to make copies of it.

8 MR. ARONOWITZ: I have it.

9 MR. A. NAFTALIN: Thank you very much.

10 JUDGE STEINBERG: Let me swear in Mr. LaFollette.
11 Whereupon,

12 WILSON LAFOLLETTE
13 having been first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15 JUDGE STEINBERG: Please state your name and
16 address for the record.

17 THE WITNESS: Yes. My name is Wilson A.
18 LaFollette. I'm employed by Cohen, Ditel and Everest, P.C.,
19 1300 L Street, N.W., Suite 1100, Washington, D.C.

20 JUDGE STEINBERG: Okay. Mr. Helmick?

21 MR. HELMICK: Well, Your Honor, we have previously
22 marked for identification Mass Media Bureau Exhibit 37. I
23 would move at this time that it would be admitted.

24 JUDGE STEINBERG: You have to show it to Mr.
25 LaFollette and at least let him tell us what it is and

1 whether it is accurate or not and all that other good stuff.

2 MR. HELMICK: All right. Mr. LaFollette, would
3 you please look at that statement? Did you prepare that
4 statement, Mr. LaFollette?

5 THE WITNESS: Yes, sir, I did.

6 MR. HELMICK: Is it truthful and accurate as
7 stated?

8 THE WITNESS: Yes, it is.

9 MR. HELMICK: Your Honor, I would move that it be
10 admitted at this time.

11 JUDGE STEINBERG: Any objection?

12 MR. RILEY: Your Honor, my comments at the
13 admission session with respect to Mr. LaFollette did not go
14 toward any question that challenged his qualifications in
15 engineering. They were instead directed to those portions
16 of his testimony in Bureau Exhibit 6 that implicate
17 programming matters.

18 I am scanning the document that Mr. Helmick
19 distributed to us moments ago. I do not know whether there
20 is in here, and I am sure I will not be certain of it even
21 after scanning, anything directed to programming matters or
22 Mr. LaFollette's experience or qualifications, but if there
23 is I would object to its admission.

24 It ought to have been in Bureau 6 when Bureau 6
25 was exchanged if they intended us to give weight to any

1 conclusions drawn by Mr. LaFollette concerning programming
2 matters.

3 JUDGE STEINBERG: Mr. Helmick?

4 MR. HELMICK: Your Honor, his qualifications and
5 experience are what they are.

6 JUDGE STEINBERG: Let me ask, do you have any
7 objection, Mr. Naftalin?

8 MR. A. NAFTALIN: I don't have anything to add to
9 that.

10 JUDGE STEINBERG: So you have a joining objection?

11 MR. A. NAFTALIN: Yes.

12 JUDGE STEINBERG: Okay. The objection is
13 overruled, and Mass Media Bureau 37 is received.

14 (The document referred to,
15 having been previously marked
16 for identification as Mass
17 Media Bureau Exhibit No. 37,
18 was received in evidence.)

19 JUDGE STEINBERG: In terms of the programming, I
20 usually have a transcript of the admission session. I
21 remember that there were strenuous objections to the
22 programming material.

23 In terms of the legal conclusions, the legal
24 conclusion is to be made based upon whatever facts are
25 developed here. You argue what conclusions I should reach

1 and then I reach the conclusions.

2 If my conclusions agree with Mr. LaFollette's,
3 then I guess he was right. If my conclusions disagree, then
4 I guess I believe that his conclusions are wrong until the
5 Commission or the clerks tell me otherwise. I am going to
6 reach my own conclusions based upon what I hear in the
7 hearing and what I hear in your arguments.

8 Did I not give you leave to explore whatever you
9 wanted to with respect to programming?

10 MR. RILEY: You did. Indeed you did.

11 JUDGE STEINBERG: That is why I wish I had the
12 transcript.

13 Okay. Is Mr. LaFollette next on cross?

14 MR. HELMICK: Yes.

15 JUDGE STEINBERG: Mr. Alan Naftalin?

16 CROSS-EXAMINATION

17 BY MR. A. NAFTALIN:

18 Q Good morning, Mr. LaFollette. When were you first
19 retained by Universal in connection with the Turro matter?

20 A Specifically, in regards to the Turro matter, and
21 I should say as an aside here that our firm has been doing
22 work for WVNJ as far as improving their broadcasting
23 facility.

24 Somewhere during the course of some of this work
25 preceding February 2, 1995, WVNJ had become concerned

1 regarding the operation of the Turro translator.

2 Q I understand, but when were --

3 A No specific date. That's my point. Not a
4 specific date.

5 Q Well, it goes back at least to January, 1995, does
6 it not?

7 A At least, yes. Over a period of several weeks,
8 there were concerns expressed to us.

9 Q Okay. What were you asked to do?

10 A Well, as I said, certain concerns were expressed
11 to us and we were requested to observe and to assess the
12 operation of the translator in order to reach some
13 conclusions as to whether or not it appeared to comply with
14 the FCC rules. That was basically it.

15 Q Now, by the translator do you mean Mr. Turro's
16 translator at Fort Lee?

17 A That is correct.

18 Q Okay. Who asked you to do that?

19 A Mr. Howard Warshaw.

20 Q Now, Mass Media Exhibit 6 was dated February --

21 JUDGE STEINBERG: The cover affidavit.

22 MR. A. NAFTALIN: It has a declaration on it dated
23 February 10.

24 JUDGE STEINBERG: Well, the cover affidavit, Page
25 93 of your Exhibit 6, is executed October 22, 1997.

1 MR. A. NAFTALIN: Yes, but I am not there yet. We
2 are not there yet.

3 JUDGE STEINBERG: Okay. You are talking about
4 Pages 94 to the end?

5 MR. A. NAFTALIN: I am talking the date of the
6 declaration under oath, the affidavit, Page 86.

7 JUDGE STEINBERG: Page 96?

8 MR. A. NAFTALIN: Page 96. Pardon me. I am
9 having trouble reading the face sheet.

10 JUDGE STEINBERG: Yes.

11 MR. A. NAFTALIN: Page 96, February 10.

12 JUDGE STEINBERG: Of 1995?

13 MR. A. NAFTALIN: 1995.

14 BY MR. A. NAFTALIN:

15 Q That is correct?

16 A Yes, it is.

17 Q Okay. What information did anybody connected with
18 Universal give to you prior to that February 10 date? I
19 want to distinguish that from what you went out and
20 investigated.

21 A Well, basically, they passed on to us their
22 concerns, as I said, regarding the operation of the
23 translator which they believed was operating in a very
24 non-traditional manner for FM translators.

25 Basic information was provided to us as far as the

1 frequency of the translator and the location of the
2 transmitter of the translator, etc.

3 Q All right. Now, were you asked to prove that the
4 Fort Lee translator was being programmed directly from the
5 Dumont studio?

6 A We weren't asked to prove anything of that nature,
7 but rather to assess the operation. Certainly I think that
8 it's fair to say that they suspected that to be the case.
9 But we were not told or asked to prove it, but rather to
10 assess it and make our own conclusions.

11 Q Okay. So if Mr. Howard Warshaw said that that is
12 what he did, he was not telling the truth?

13 A You mean -- I'm sorry. You'll have to rephrase
14 that.

15 Q I am going to read you a question and answer from
16 Mr. Warshaw's deposition, Page 159, for other counsel.

17 MR. HELMICK: Your Honor, I would object. I mean,
18 Mr. Warshaw is not the witness here. If they want to ask
19 that question of Mr. Warshaw, they can.

20 JUDGE STEINBERG: I think you can do it without
21 reading from the deposition. I think the way you did it the
22 first time was so Mr. Warshaw said this.

23 MR. A. NAFTALIN: If Mr. Warshaw --

24 JUDGE STEINBERG: Yes.

25 MR. A. NAFTALIN: I would like to expand the

1 question slightly.

2 JUDGE STEINBERG: Sure.

3 BY MR. A. NAFTALIN:

4 Q If Mr. Warshaw said that you were asked to prove
5 that the Fort Lee translator was being programmed directly
6 from the Dumont studio, that is not true?

7 A Well, I would expect that he was hoping that would
8 be the case.

9 Q But that is not what he asked you to do.

10 A He asked us to assess the operation of the
11 translator. I did so.

12 Q Hang on. Just stay with me.

13 A Okay.

14 Q That is not what he asked you to do, then?

15 A To --

16 JUDGE STEINBERG: When you say that is not what he
17 asked you --

18 BY MR. A. NAFTALIN:

19 Q He did not ask you to prove that the Fort Lee
20 translator was being programmed directly from the Dumont
21 studio.

22 A That's not my recollection of the situation at
23 all.

24 Q All right. That is fine. Thank you.

25 Now, have you read Mr. Herman Hurst's statement

1 concerning the Turro situation which is dated July 25, 1995?

2 A In a cursory manner.

3 Q Okay. When did you first read it?

4 A It would have been some time after that.

5 Q After?

6 A After the statement was prepared.

7 Q Clearly, after. I would assume that.

8 A I have no specific recollection of a date.

9 Q But was it before October 22, 1997 when you
10 affirmed your statement here?

11 A It would have been before that, yes.

12 Q Okay. Now, in your statement, which is Mass Media
13 Exhibit 6, you report taking measurements from the roof of
14 the site of the building six-tenths of a kilometer southeast
15 of the Fort Lee translator on the roof of a building about
16 the same height as the building used for the transmitter,
17 and you expressed the opinion that received signals at the
18 two locations would be closely similar. Is that right?

19 A Yes, sir, it is.

20 Q Okay. When were those measurements taken?

21 A On February 2.

22 Q February 2?

23 A 1995.

24 Q 1995. Were notes made of those measurements?

25 A Notes were made, yes.

1 Q Okay. Do they exist?

2 A I don't -- to my knowledge, they may or they may
3 not. I am not aware of any notes at this point.

4 Q Okay. Do you remember being asked by counsel to
5 furnish documents in response to a discovery request by
6 Turro?

7 A Yes, sir.

8 Q Okay. Do you know whether the notes were included
9 in that?

10 A I am not aware of any notes that came to light
11 during that search.

12 Q Okay. So, as far as you know, they do not exist
13 any more.

14 A As far as I know.

15 Q Well, so, what is your practice about maintaining
16 notes of measurements of that kind which ended up as a
17 document filed with the FCC?

18 A It varies depending on how the document is
19 actually going to be used in the future.

20 Q Well, how does it vary?

21 A Well, if it is, for example, measurements that are
22 being made to prove in an AM broadcast station and
23 handwritten notes and logs are maintained, these are
24 maintained in the records in case there are any further
25 questions.

1 Q All right. Now, in this case, the measurements
2 were taken for the purpose of making a filing with the FCC
3 alleging that Mr. Turro was acting illegally, correct?

4 A That's a difficult question to answer because it
5 doesn't quite go to the facts.

6 Q All right.

7 A Are you trying to say were these measurements and
8 observations made because I was aware that the material was
9 going to be submitted to the FCC in the Turro case?

10 Q I did not put a why in there. I will start all
11 over again.

12 A Okay.

13 Q When you took the measurements, you had in mind
14 the possibility anyway that that information would be
15 furnished to the FCC, correct?

16 A There was that possibility, although not
17 expectation.

18 Q When you made the measurements, you did not expect
19 they were going to be furnished to the FCC?

20 A As I said, this was an assessment and my objective
21 was to make the determination whether I would recommend that
22 further action be taken with the FCC.

23 Q All right. Well, at least there was the
24 possibility.

25 A There was that possibility, as I said.

1 Q All right. In fact, not very long after the
2 measurements were taken, you prepared a statement on
3 February 10, right?

4 A That is correct.

5 Q Okay. That was filed with the FCC.

6 A Well, I filed -- I passed that on to counsel.

7 Q But you understood that it was filed with the FCC?

8 A At that point there was recognition of that, yes.

9 Q Okay. So, you took the measurements on February 2
10 and some time shortly after February 10 you knew that the
11 claim had been filed with the FCC?

12 A That is correct.

13 Q All right. Now, under those circumstances, that
14 kind of circumstance, what is your practice about
15 maintaining notes of the measurements?

16 A The normal action would be to maintain the
17 handwritten notes.

18 Q Okay. But in this case it did not happen?

19 A Certainly, we were not able to identify any such
20 notes.

21 Q Okay. All right. Now, your statement says that
22 the signals of the Monticello Station were measured on that
23 rooftop and that the signal level taken from the antenna you
24 employed was minus 75 dBm, right?

25 A I don't recall whether it was minus 75 or --

1 Q Pardon me, minus 78.

2 A -- minus 78, I believe.

3 Q I misread it. I apologize.

4 A Okay.

5 Q Minus 78, correct?

6 A Yes.

7 Q Okay. That worked out to 28 microvolts?

8 A Twenty-eight microvolts.

9 Q Okay. That is the voltage across the terminals
10 that was received?

11 A That would be correct.

12 Q Okay. It was your expectation and, actually, the
13 point of the exercise is that you would have expected the
14 voltage across the terminals of the receiver used by the
15 Fort Lee receiver, by the Fort Lee translator, to be
16 comparable, correct?

17 A That is correct.

18 Q Okay. Now, in your statement you say it was
19 observed that the direct received signal was unusable for
20 transmission of the Fort Lee translator.

21 JUDGE STEINBERG: Excuse me. Retransmission.
22 This is on Page 104?

23 MR. A. NAFTALIN: I am reading from my notes. I
24 am sorry, Your Honor. I believe that is correct.

25 JUDGE STEINBERG: It is the end of the first

1 paragraph on the page.

2 MR. A. NAFTALIN: Yes, that is correct. Right at
3 the end of that paragraph.

4 BY MR. A. NAFTALIN:

5 Q It was unusable due to low signal strength and the
6 severe first adjacent channel interference from Station
7 WBAI, correct?

8 A Yes, sir.

9 Q Okay. WBAI being the first adjacent channel
10 station in New York City?

11 A That is correct.

12 Q Okay. Now, I have a series of questions for you.
13 We are not going to talk about interference until the second
14 round. Right now, we are just going to talk about signal
15 strength.

16 Now, what made you decide that the signal strength
17 from the Monticello was too low, 28 microvolts across the
18 receiver?

19 A What made me conclude that was the receiving
20 environment.

21 Q What do you mean by the receiving environment?

22 A Adjacent channels.

23 Q In other words, in the absence of adjacent
24 channel, you would not have expected the signal to be too
25 low; is that correct?